

# UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Juan A Betancur

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Loca) union 103

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Juan A Betancur

1084 Dorchester AV

Dorchester

MA 02125

857 891 6257

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Local union 103  
256 Freeports St  
Dorchester  
MA 02122  
617 436 3710

## Defendant No. 2

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

## Defendant No. 3

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

## Defendant No. 4

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

### B.

*Title VII of the Civil Rights Act of 1964, as Codified, 42 U.S.C. 2000e-1, 2000e-2 (race, color, gender, religion etc.)*  
If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

## 3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Juan Betancur was Dismissed From his job at the time of the Pandemic, without paying for his vacation and sick day accumulating for over 8 years, and without the right to defend himself or respond to the reasons for which he was dismissed. This makes him feel discriminated and depressed by the action taken by the company against him without justified reasons.

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Juan is asking for the payment of his vacation hours accumulated for 8 years and a compensation for his emotional and economic sufferings due to this dismissal and act of discrimination against him.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/30/2021

Signature of Plaintiff

Printed Name of Plaintiff

Juan A Betancur

Juan A Betancur

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

BETANCUR v. UNION 103

BACKSTORY:

Juan Betancur, an employee of the Local Union 103 for almost 8 years, was involved in an accident at approximately 8:00 AM. On 5/10/2019, while performing the duties of his job, Mr. Betancur fell almost 20 feet off a ladder. He broke his right femur and fractured both of his hips. He was immediately rushed to Boston Medical Center. When he arrived, he was asked if this injury happened at work and Mr. Betancur said yes. He was treated (including multiple surgeries). The Union was upset with Juan because they did not want it reported to Workers' Comp.---they wanted to deal with it directly. Mr. Betancur then had to go through 9 weeks of physical therapy upon being released for Boston Medical center. The business manager Lou Antonellis did not wish for this incident to be reported to Workers' Comp. President Bob Sheehan finally decided (or had no choice but) to file the case until 6/18/2019.

After the 9 weeks of physical therapy, Mr. Betancur felt that he was able to go back to work. His doctor had cleared him for light duty activities. The Local Union 103 said that if he could not honor his full duties, they did not want him to return. Due to fear of losing his job Mr. Betancur stated he would come back to his full duty position. Upon returning, Mr. Betancur felt scorned by management and peers, making going to work more and more stressful, for almost a year. At one point, his boss's nephew was assigned to work with him. His nephew blatantly was a user and abuser of drugs, even during the workday which at times put Mr. Betancur in danger. Mr. Betancur was getting the impression that management wanted him to quit. The final straw was on 5/20/2020 Mr. Betancur arrived at work and was giving his morning greetings. A fellow employee that Mr. Betancur knew well had been out of work for some time and he noticed she had returned. Mr. Betancur noticed that she looked different and had assumed she was pregnant. In his always polite manner, he wished her congratulations on her pregnancy. She flew off the handle and started yelling at him for making such an assumption. It was right after that that Mr. Betancur was fired. Mr. Betancur had been under the impression that they were friends, and he was taken aback and apologized. Mr. Betancur also feels as if one of the reasons that he began to be scorned was because of the fact that he is gay and became open about it.

Mr. Betancur feels as if he was never properly compensated for his injuries and its lasting conditions he suffers and, in addition, was fired for discriminatory reasons. Mr. Betancur is completely truthful and when he would not play the game or told the truth to the "wrong" people, he was "punished" in vengeful ways.

FILED  
IN CLERKS OFFICE  
2021 OCT - 1 AM 11: 02  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

PERTINENT INFORMATION:

- His boss was lazy and never showed up to Juan's projects. If he did, he always promised he would return in "10 minutes, yet he never did. This behavior is one of the reasons his accident happened.
- When he began to pursue legal action, he contacted many local lawyers. At first, they all seemed interested in the case but then followed up to say they did not want to fight the axe. The Local Union 103 wields a lot power and influence, and Mr. Betancur fully believes that when they found out about the case, they advised lawyers not to take the case.
- HE went to the Attorney General and the dismissed his case before he was given the opportunity to fully discuss all of the facts.
- Dr. Brown, who originally was the one that said Juan could return to work if only given light duties and was seeming looking out for Juan's best interest suddenly "changed his tune" after speaking with management of Local Union 103.
- When Mr. Betancur tried to discuss the issues of his boss's nephew, which not only included the drug use, but several physical attacks on Juan, his boss always laughed it off and never pursued it. On one occasion, his boss's nephew tried to steal Juan's phone in order to delete actual documentations Mr. Betancur had saved, showing these discriminations as physical evidence.
- Mr. Betancur, once word got out that he was suing, was harassed and bullied by management that he should not pursue legal action and that they had the power and money to crush him and that he would never be able to afford to "take them on".
- Evidence clearly shows that Mr. Betancur has not received proper compensation for his injuries and that the reason for his firing was completely ridiculous. In addition, Mr. Betancur was never compensate for 7 years of vacation that he never took and for earned sick and personal days